

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL REVISION No. 81 of 2006

SMJT. MAKSUDA
V/S
JAMEELA & ANR

Mr. JAVED HUSSAIN for Mr. DINESH JOSHI, for the
appellant / petitioner

Date of Order : 21.9.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the petitioner.

Learned counsel was pointedly asked to satisfy the Court that it is sine qua non for the legal representatives of the decree holder, who happened to die before execution of the decree, to obtain succession certificate, for maintaining the execution petition. Despite repeatedly being asked, learned counsel could not point out any legal authority for the proposition.

In the present case the decree holder had died and Jamila had filed execution petition claiming to be his widow. Of course, the judgment debtor has denied Jamila to be widow of the decree holder but has not disclosed as to who are the other legal representatives of the deceased decree holder, and the learned trial court has found that

there is material on record to satisfy that Jamila is the widow of the deceased, and is entitled to maintain execution.

In my view, the order does not suffer from any error requiring interference in my revisional jurisdiction.

The revision petition is, therefore, dismissed summarily.

(N P GUPTA), J.

/sushil/